

## REMARKS

The Final Office Action mailed November 6, 2008 notes that claims 1-33 are pending, rejects claims 1-25 and 27-33, and allows claim 26. Claims 1, 5, 12, 15, 19-21, 27, 28, 31-33 are amended. Claim 22 is cancelled. No new claims are added. No new matter is believed to be presented.

Claims 1-33 are pending and under consideration. Reconsideration is respectfully requested. The rejections are traversed below.

### Rejection under 35 U.S.C. § 112

The Office Action, on page 4, in item 5, rejects claim 32 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. This rejection is respectfully traversed below.

Claim 32 is explicitly supported by the specification, for example, on page 13, lines 13-20. The specification states that "[i]n a two handed input situation the display could have two command corners active (one for each hand)."

Accordingly, withdrawal of the rejection is respectfully requested and it is submitted that claim 32 is allowable.

### Rejection under 35 U.S.C. § 101

The Office Action, on page 5, in item 7, rejects claim 27 under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter. This rejection is respectfully traversed below.

Claim 27 claims the computer readable storage medium as an article of manufacture, does not claim a signal, and thus meets the statutory requirement of 35 U.S.C. § 101. (See generally, *In re Nuijten*, 500 F.3d 1346 (Fed. Cir. 2007)). Thus the rejection is respectfully traversed.

The Examiner appears to be misinterpreting specification paragraph 71. Paragraph 71 states in two distinct sentences two distinct ideas:

The system also includes a computer readable storage or permanent or removable storage, such as magnetic and optical discs, RAM, ROM, etc. on which the process and data structures of the present invention can be stored and distributed. The processes can also be distributed via, for example, downloading over a network such as the Internet.

The Examiner seems to be reading the two sentences as if they were one sentence. The first sentence says that the processes can be stored on a computer readable storage such as an optical disk which can be distributed, much like carrying the processes on a CD ROM. The second sentence states that the processes can "also" be distributed over a network. The use of the word "also" creates a very clear distinction between distribution by ROM and distribution via a network. The Examiner is clearly misinterpreting paragraph 71 and misusing the English language.

Withdrawal of the rejection is requested.

**Rejections under 35 U.S.C. § 103**

The Office Action, on page 6, in item 10, rejects claims 1-9, 11-14, 20, 21, 23, 24, 27-29, 31 and 33 under 35 U.S.C. § 103(a) as being unpatentable over Pitroda (U.S. Publication No. 2002/0097277) in view of Miyashita et al. (U.S. Publication No. 2002/0122158) and further in view of Selker (U.S. Publication No. 2002/0122072). This rejection is respectfully traversed below. The Examiner has not rejected claim 32 under 35 U.S.C. § 103. If the Examiner intended to reject claim 32 under 35 U.S.C. § 103, the Applicants request a proper rejection in the next Office Action so that the Applicants can properly respond. While claim 32 was not rejected under 35 U.S.C. § 103 in the Office Action, the discussion below is also applicable to claim 32.

Pitroda discusses computerized methods for organizing a representation of user activities and information and navigating through an information management system to provide a computer interface which is user-centric. Further, Pitroda notes that conventional operating systems store information hierarchically typical to a file cabinet forcing a user to store information in such a way. Thus, Pitroda discusses more user friendly ways to organize and access information stored on a computer. Pitroda discusses a Karma user interface (KUI) which displays relationships between objects stored in the system. The KUI displays spheres, for example, a Business sphere 902, Personal sphere 904, People sphere 906, and Tools Sphere 908. When a user selects one of the spheres, universes related to the spheres are displayed as in Figures 11A and 11B. (See Pitroda, Abstract; and paragraphs [0002]-[0005]; [0019]). The Office Action admits that Pitroda fails to teach "wherein the graphical user interface is located in a lower display corner."

Miyashita discusses a projector display device that locates a menu in a lower left hand corner which allows files to be viewed without impairing the view of the image data projected. (See Miyashita, paragraph [0141]). The Office Action admits that Pitroda and Miyashita "fail to teach wherein the graphical user interface area comprises an arc shaped persistent graphic."

Selker discusses a pie shaped graphic which can be implemented as a pop-up menu, a fixed menu, a context specific menu, a dialog box, or an equivalent structure. (See Selker, paragraph [0046]).

The independent claims are amended to clarify their distinctive features. It is respectfully submitted that claim 1, for example, patentably distinguishes over Pitroda, Miyashita, and Selker, taken alone or in combination because claim 1 is amended to recite:

**a graphical user interface area located in a lower display corner opposite to a handedness of a user and responsive to a natural motion by the user associated with an end of a range of the natural motion.**

Pitroda, Miyashita, and Selker do not discuss locating a graphical interface in a lower display corner opposite to a handedness of a user and responsive to a natural motion by the user associated with an end of a range of the natural motion. In other words, a user can use the graphical interface with natural motion by locating the graphical interface in the lower left hand corner for right handed people and in the bottom right hand corner for left handed people. Independent claims 5, 12, 15, 19, 20, 21, 27, 28, 31, 32, and 33 are amended to recite the above distinctive features.

It is also respectfully submitted that one of ordinary skill in the art at the time of the invention would not have been motivated to modify Pitroda in such a manner as asserted in the Office Action on page 8 by locating the sphere interface of Figure 11A in a lower corner. The bottom right hand corner of Figure 11A of Pitroda has a number of KUI "control options" which would be hidden and/or inaccessible, were Pitroda to be modified as suggested by the Examiner. The bottom left hand corner also would be obstructed and require extensive modification if modified as suggested. Thus, moving the sphere to a lower corner of Figure 11A would not "allow for the control options" in the lower corner "to be available to the user at all times" and would "impair[ing] the user's view of the display." (See Examiner's reasoning for combining references, Office Action, page 8).

Pitroda's "sphere" of Figure 11A is merely one component of Pitroda's Karma UI. Pitroda discusses an entire graphical interface which utilizes a whole display rather than "a graphical user interface area...in a lower display corner" as recited in claim 1. Such a piecemeal modification of Pitroda as suggested by the Examiner to move the "sphere" interface of Pitroda to the bottom right corner or the lower left corner would result in obscuring other very important parts of the interface in Figure 11A. Thus, those other parts in the bottom corners would have to be moved or need to be modified in order to continue to be accessible, especially configurable tool bar 920, set of global icons 922, an icon for adding universes or personalities 924, and interactive status bar 926. (See Pitroda, Figure 11A, paragraphs [0127]-[0128]). Thus, after moving the sphere to a lower corner, these Karma UI controls would not "be available to a user at all times." (See Office Action, page 8). Other parts of the interface including tool bar 910, mobile phone 912, diary icon 914, clock icon 916, magnifying glass icon 918 would also likely need to be moved or modified completely. The sphere of Pitroda would obstruct these tools if

moved as suggested by the Examiner. Thus, one would not have been motivated to modify Pitroda in such a way as suggested by the Office Action as this would completely change the Karma interface as discussed in Pitroda and would not "allow for the control options to be available to a user at all times, while still not impairing the user's view of the display" as asserted in the Office Action on page 8.

Thus, it is respectfully submitted that nothing cited in the Office Action, or found in the cited references teaches or suggests "a graphical user interface area located in a lower display corner **opposite to a handedness of a user**...an arc shaped persistent graphic starting near a first display edge and ending near a second display edge and defining the interface area where the arc is substantially perpendicular to a natural motion path of the natural motion" as recited in claim 1. The Office Action, on page 8, asserts that one of ordinary skill in the art at the time the invention was made would combine Pitroda with Miyashita and Selker "in order to allow for the control options to be available to a user at all times, while still not impairing the user's view of the display." As discussed above, modifying Pitroda in such a way would not allow the control options discussed in Pitroda and depicted in the bottom lower corners of Figures 11A and 11B to be available to the user at all times unless the Karma UI is modified substantially. Thus, this assertion is traversed.

In addition, this assertion is merely concerned with not impairing the view of the user and does not appreciate the patentable distinction of locating the graphical display area in a lower corner **opposite to a handedness of a user** and "defining the interface area where the arc is substantially perpendicular to a natural motion path of the natural motion." Placing the graphic in a lower corner opposite to a handedness of user and "defining the interface area where the arc is substantially perpendicular to a natural motion path of the natural motion" provides optimal placement for the natural arc motion of the arm, wrist, and fingers as depicted in Figures 1 and 2 of the Application. If a user places a computer having an interface as claimed in claim 1 flat on a desk or in a lap, "defining the interface area where the arc is substantially perpendicular to a natural motion path of the natural motion" allows a user to more easily draw based on the natural motion of the arm with greater dexterity. The references, taken alone or in combination do not teach "a graphical user interface area located in a lower display corner opposite to a handedness of a user responsive to a natural motion by the user associated with an end of a range of the natural motion." Withdrawal of the rejection is requested.

Independent claims 5, 12, 20, 21, 27, 28, 31, and 33 recite in a similar manner to claim 1. Therefore, it is submitted that claims 5, 12, 20, 21, 27, 28, 31, and 33 are patentable over

Pitroda, Miyashita, and Selker, taken alone or in combination, for reasons similar to those discussed above with respect to claim 1.

Independent claim 32 recites "a first graphical user interface located in a lower display corner **opposite to a handedness of a user** and responsive to a natural motion by the user associated with a first end of a range of the natural motion; and second graphical user interface located in a display corner **corresponding to the handedness of the user** and responsive to the natural motion by the user associated with a second end of the range of the natural motion" and patentably distinguishes over Pitroda, Miyashita, and Selker for at least the reasons discussed above with respect to claim 1.

The dependent claims depend from the above-discussed independent claims and are patentable over the cited references for the reasons discussed above. The dependent claims also recite additional features not taught or suggested by the cited references. For example, claim 8 recites "wherein a control closest to a display area is positioned along the curve at least a radius of a menu of the control from a display edge." In other words, a control is defined far enough away from a display edge so that its menu is not difficult to select from. (See Application, Figure 7). In particular, the Office Action cites Selker, Figure 2 as teaching the above feature, but Figure 2 merely depicts a pie menu, does not discuss "a menu of the control" and thus does not discuss "a control...is positioned along the curve at least a radius of a menu of the control from a display edge." It is submitted that the dependent claims are independently patentable over the cited references.

The Office Action, on page 13, in item 11, rejects claims 22, 25 and 30 under 35 U.S.C. § 103(a) as being unpatentable over Pitroda in view of Miyashita and further in view of Selker and Keely (US 6,337,698). This rejection is respectfully traversed below.

Keely discusses a notepad or notebook computer interface that facilitates input via a pen, where selectable interface elements are located vertically, one on top of the other, on the very edge of a page, and does not cure the deficiencies of Pitroda, Miyashita, and Selker discussed above. (See Keely, Figure 6). Dependent claims 22, 25, and 30 depend from the above discussed independent claims and thus inherit the patentable features thereof. Withdrawal of the rejection is requested.

The Office Action, on page 15, in item 12, rejects claim 10 under 35 U.S.C. § 103(a) as being unpatentable over Pitroda in view of Miyashita and further in view of Selker and Kurtenbach (US 5,689,667). This rejection is respectfully traversed below.

Kurtenbach does not cure the deficiencies of Pitroda, Miyashita, and Selker discussed above. Dependent claim 10 depends from the above discussed independent claims and thus inherits the patentable features thereof. Withdrawal of the rejection is requested.

The Office Action, on page 16, in item 13, rejects claims 15-18 under 35 U.S.C. § 103(a) as being unpatentable over Pitroda, in view of Miyashita, and further in view of Selker and Anderson (US 5,828,360). This rejection is respectfully traversed below.

Anderson does not cure the deficiencies of Pitroda, Miyashita, and Selker discussed above. Independent claim 15 recites in similar manner to claim 1 and thus patentably distinguishes over the cited references for reasons similar to those discussed above. Withdrawal of the rejection is requested.

Dependent claims 16-18 depend from the above discussed independent claims and thus inherit the patentable features thereof. Withdrawal of the rejection is requested.

The Office Action, on page 19, in item 14, rejects claim 19 under 35 U.S.C. § 103(a) as being unpatentable over Pitroda in view of Miyashita, and further in view of Selker, Anderson, and Kurtenbach. This rejection is respectfully traversed below.

Independent claim 19 recites in a similar manner to claim 1 and thus patentably distinguishes over the cited references for reasons similar to those discussed above. Withdrawal of the rejection is requested.

## **Summary**

In accordance with the foregoing, it is respectfully submitted that all outstanding objections and rejections have been overcome and/or rendered moot. Further, all pending claims patentably distinguish over the prior art. There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If any further fees, other than and except for the issue fee, are necessary with respect to this paper, the U.S.P.T.O. is requested to obtain the same from deposit account number 19-3935.

Respectfully submitted,

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